

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division

In re:)
)
JOHN A. VARON) Case No. 21-13392-TJC
GABI L. HERNANDEZ) Chapter 7
)
Debtor(s))

TRUSTEE'S OBJECTION TO DEBTORS' AMENDED EXEMPTIONS

COMES NOW Steven H. Greenfeld, Trustee, by and through the undersigned counsel, objects to the allowance of the Debtors' Amended Exemptions and in support thereof, your Trustee respectfully states as follows:

1. On May 20, 2021, the Debtors, John A. Varron and Gabi L. Hernandez, filed a Voluntary Petition under Chapter 7 of the Bankruptcy Code.
2. Steven H. Greenfeld is duly qualified and acting Chapter 7 Trustee of this estate.
3. The Debtors' filed Amended Schedules A, B and C on February 10, 2022 (docket entry 85).

Colombian Real Estate

4. That among the assets of this estate is an interest in real property identified as Calle 71#4-71 Villamaria, Caldas, Colombia (the "Colombia Property") which the Debtor has valued per a tax assessment as having a value of \$17,294.65.

5. The Debtor has claimed the Colombia Property as exempt pursuant to "Colombian Constitution Article 42 Colombian Law 70 of 1931 Title II; Law 258 of 1996.

6. The Debtors have not demonstrated that, as residents of Maryland, that they are entitled to claim exemptions under law.

7. Upon information and belief, the statutes relief upon by the Debtors do not provide an exemption from execution.

Bowie Property

8. The Debtors have claimed the sum of \$1,007.78 of the value of their residence identified as 16390 Alderwood Lane, Bowie, Maryland (the “Bowie Property”), as exempt pursuant to Code of Maryland, Courts and Judicial Proceedings, §11-504(f)(1)(i)(1).

9. Section 11-504(f)(1)(i)(1) provides a exemption which is only applicable by personal property.

10. The Debtors claim of exemption on the value of the Bowie Property pursuant to §11-504(f)(1)(i)(1) is not warranted.

Bancolombia Account

11. At the time of the filing, Debtor, Gabi Hernandez, was the owner of a savings account held at Bankcolombia (the “Bancolombia Account”) with a balance of \$6,665.14 which was claimed ass exempt pursuant to §11-504(f)(1)(i)(1).

12. Section 11-504(f)(1)(i)(1) is limited to \$5,000.

13. The Debtors cannot use one of the Debtors’ exemptions to claim the other Debtor’s property as exempt.

14. The Debtors’ claim of exemption in the Bancolombia Account should be limited to \$5,000.

WHEREFORE, it is prayed that this Court enter an Order:

- (1) Denying the allowance of Debtors’ claim of exemption in the Colombia Property;
- (2) Denying the allowance of Debtors’ claim of exemption in the Bowie property pursuant to Code of Maryland, Courts and Judicial Proceeding §11-504(f)(1)(i)(1);
- (3) Reducing the allowed exemption in the Debtors’ Bancolombia Account to the sum of

\$5,000; and

(4) Grant such other and further relief as is just.

Respectfully submitted,

COHEN BALDINGER & GREENFELD, LLC

By: /s/ Steven H. Greenfeld

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Counsel for the Trustee

NOTICE TO DEBTORS

PLEASE NOTE THAT WITHIN THIRTY (30) DAYS OF THE DATE ON THE CERTIFICATE OF SERVICE OF THIS OBJECTION , YOU SHALL FILE AND SERVE A RESPONSIVE MEMORANDUM OPPOSING THE OBJECTION, TOGETHER WITH ANY DOCUMENTS AND OTHER EVIDENCE YOU WISH TO ATTACH IN SUPPORT OF YOUR EXEMPTION CLAIM, UNLESS YOU WISH TO RELY SOLELY UPON THE SCHEDULES AND THE RESPONSIVE MEMORANDUM.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of February 2022, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the foregoing Objection, along with a copy of the proposed Order, will be served electronically via the Court's CM/ECF system on the following:

Diana Valle, Esq.
Counsel for the Debtors

Lisa Stevens, Esq.
Trial Attorney, Office of the United States Trustee

I HEREBY FURTHER CERTIFY that on the 24th day of February 2022, a copy of the forgoing Objection, and a copy of the proposed Order was also mailed, first class mail, postage prepaid to:

John Varron
16309 Alderwood Lane
Bowie, Maryland 20716

Gabi Hernandez, Esq.
16309 Alderwood Lane
Bowie, Maryland 20716

/s/ Steven H. Greenfeld
Steven H. Greenfeld